

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

<b>ERIC WITHERSPOON,</b>	:	
	:	
Petitioner,	:	
	:	
v.	:	Civ. Act. No. 04-1424-JJF
	:	
<b>LOIS RUSSO,</b>	:	
Superintendent/Warden, and	:	
<b>M. JANE BRADY,</b>	:	
Attorney General for the State of Delaware,	:	
	:	
Respondents.	:	

**NOTICE OF FILING OF STATE COURT RECORDS**

1. Respondent files herewith certified copies of the following Delaware Supreme Court documents in *Eric Witherspoon v. State of Delaware*, No. 460, 1999:<sup>1</sup>
  - a. appellant's opening brief and appendix;
  - b. State's answering brief for appellee/cross appellant and appendix;
  - c. appellant's reply brief and answering brief on cross-appeal;
  - d. State's reply brief for appellee/cross-appellant;
  - e. and the Court's orders dated February 14, 2001 and May 22, 2001.

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/s/  
Thomas E. Brown (ID# 3278)  
Deputy Attorney General  
Department of Justice  
820 N. French Street  
Wilmington, DE 19801  
(302) 577-8500  
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Date: May 6, 2005

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<sup>1</sup>The State plans to file within two weeks the certified records regarding the post-conviction appeal, *Eric Witherspoon v. State*, No. 113, 2003. The clerk of the court in Dover had not retrieved the file, and thus prosecutors must reschedule an appointment to copy and have certified the records in that case.

**CERTIFICATE OF SERVICE**

The undersigned, being a member of the Bar of this Court, hereby certifies that on May 6, 2005 he caused to be electronically filed a Notice of Filing of Certified State Court Records with the Clerk of the Court using CM/ECF and thereafter caused to be hand delivered paper copies of the records listed therein with the Clerk's Office. I hereby certify that on May 6, 2005 I have also caused to be mailed by first class U.S. Mail two copies of the document (and the records listed therein) to the following non-registered participant, the petitioner:

Eric Witherspoon (No. 888967)  
Souza Baranowski Corr. Ctr.  
Post Office Box 8000  
Shirley, MA 01464.

/s/

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Thomas E. Brown  
Deputy Attorney General  
Del. Dept. of Justice

Counsel for Respondents

Date: May 6, 2005